
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

RUSSELL G. GREER,

Plaintiff,

v.

JOSHUA MOON, an individual, and KIWI
FARMS, a website,

Defendants.

ORDER VACATING JUDGMENT

Case No. 2:20-cv-00647-DBB

District Judge David Barlow

Before the court is the Tenth Circuit Court of Appeals' mandate reversing this court's judgment and remanding for further proceedings.¹ After the mandate issued on December 12, 2023, the presiding judge recused and the matter was reassigned to the undersigned judge.²

The Tenth Circuit reviewed this court's decision granting Defendants Joshua Moon ("Mr. Moon") and Kiwi Farms's (collectively "Defendants") Motion to Dismiss, filed September 21, 2021.³ This court concluded that Plaintiff Russell G. Greer ("Mr. Greer") failed to state a claim upon which relief can be granted, denied as moot his request for a preliminary injunction,⁴ and closed the case.⁵ On September 29, 2021, Mr. Greer moved to alter judgment and reopen the

¹ ECF No. 53.

² ECF No. 54.

³ ECF No. 37.

⁴ *Id.* at 12–13.

⁵ ECF No. 38.

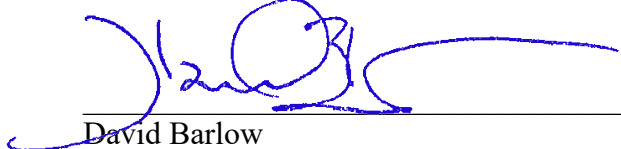
case pursuant to Federal Rule of Civil Procedure 59(e).⁶ The court denied his motions on October 26.⁷ Mr. Greer appealed to the Tenth Circuit the same day.⁸

On appeal, the Tenth Circuit held that Mr. Greer states a plausible claim of contributory copyright infringement.⁹ The Tenth Circuit remanded to this court for proceedings consistent with the opinion issued on October 16, 2023.¹⁰

Accordingly, **IT IS HEREBY ORDERED** that the court's judgment granting Defendants' motion to dismiss¹¹ is VACATED. The clerk of court is directed to reopen this case. By separate order, the court will direct the parties concerning further scheduling.¹²

Signed January 3, 2024.

BY THE COURT



David Barlow
United States District Judge

⁶ ECF No. 40.

⁷ ECF No. 44.

⁸ ECF No. 45.

⁹ *Greer v. Moon*, 83 F.4th 1283, 1296 (10th Cir. 2023).

¹⁰ ECF No. 53-1.

¹¹ ECF No. 37.

¹² The clerk of court has resolved the Taxation of Costs by separate order. *See* ECF No. 53-3; ECF No. 56.